

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DONALD BERDEAUX and CHRISTINE
GRABLIŠ, Individually and on Behalf of All
Others Similarly Situated,

Plaintiffs,

-against-

ONECOIN LTD.; RUJA IGNATOVA,
KONSTANTIN IGNATOV; SEBASTIAN
GREENWOOD; and MARK SCOTT,

Defendants.

USDC SDNY DOCUMENT ELECTRONICALLY FILED #: _____ DATE FILED: <u>7/24/2019</u>

Case No.: 1:19-cv-04074-VEC

Hon. Valerie E. Caproni

**ORDER GRANTING LEAD PLAINTIFF DONALD BERDEAUX'S
MOTION FOR APPROVAL OF SELECTION OF CO-LEAD COUNSEL**

THIS COURT, having considered the papers filed in support of the Motion of Lead Donald Berdeaux ("Berdeaux") for entry of an Order: (i) approving Berdeaux's selection of Silver Miller and Levi & Korsinsky, LLP ("Levi & Korsinsky") as Co-Lead Counsel pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v); and (ii) granting such other and further relief as the Court may deem just and proper; and for good cause shown, the Court hereby enters the following Order:

APPOINTMENT OF CO-LEAD COUNSEL

1. Pursuant to Section 27(a)(3)(B)(v) of the PSLRA, 15 U.S.C. § 77z-1(a)(3)(B)(v), Lead Plaintiff Berdeaux has selected and retained the law firms Silver Miller and Levi & Korsinsky, LLP to serve as Co-Lead Counsel. The Court approves Lead Plaintiff Berdeaux's selection of Co-Lead Counsel for the Action

2. Co-Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Co-Lead Counsel shall designate:

- (a) to coordinate the briefing and argument of any and all motions;
- (b) to coordinate the conduct of any and all discovery proceedings;
- (c) to coordinate the examination of any and all witnesses in depositions;
- (d) to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
- (e) to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- (f) to coordinate all settlement negotiations with counsel for Defendants;
- (g) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter, and to delegate work responsibilities to selected counsel as may be required;
- (h) to coordinate the preparation and filings of all pleadings; and
- (i) to supervise all other matters concerning the prosecution or resolution of the claims asserted in the Action.

3. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Co-Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of the Co-Lead Counsel.

4. Co-Lead Counsel must endeavor to avoid duplicative work in litigating this case. They are warned that the Court will be mindful of their client's election to select co-lead counsel if and when this Court is asked to approve a class-wide settlement that provides for attorneys' fees, costs, and expenses.

5. Co-Lead Counsel are further warned against failing to comply with this Court's orders and deadlines.

6. No later than **August 2, 2019**, Lead Plaintiff must file an Amended Complaint with a caption amended to reflect the Court's selection of him as Lead Plaintiff, along with any further amendments which Lead Plaintiff may wish to make.

7. Defendants must Answer or otherwise respond to the Amended Complaint no later than **September 6, 2019**. To the extent it is possible for Defendants to consolidate their briefing, they are encouraged to do so.

8. If Defendants move to dismiss the Amended Complaint, Lead Plaintiff must file either a Second Amended Complaint or an opposition to the motion(s) to dismiss, *see* Fed. R. Civ. P. 15(a)(1)(B); Individual Practices in Civil Cases § 4(E)(i), no later than **October 4, 2019**. If Lead Plaintiff opposes the motion to dismiss, Defendants must file any repl(ies) in support of their motion(s) no later than **October 18, 2019**. All discovery will be stayed pending resolution of any motion to dismiss.

9. If Defendants answer the Amended Complaint, counsel for all parties must appear before the undersigned for an Initial Pretrial Conference ("IPTC"), *see* Fed. R. Civ. P. 16, on **September 20, 2019 at 10:00 a.m.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. No later than **September 12, 2019**, the parties must submit a joint letter of no more than five pages addressing the following in separate paragraphs:

(1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s);

(2) any contemplated motions; and

(3) the prospect for settlement.

The parties must also append to their joint letter a jointly proposed Civil Case Management Plan and Scheduling Order. The undersigned's Individual Practices in Civil Cases and a template Civil Case Management Plan may be found on the Court's website: <http://nysd.uscourts.gov/judge/Caproni>.

10. Service upon any plaintiff of all pleadings, motions, or other papers in the Action, except those specifically addressed to a plaintiff other than Lead Plaintiff, shall be completed upon service of Co-Lead Counsel.

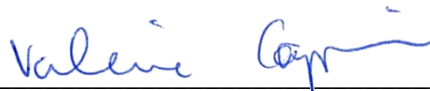
11. Co-Lead Counsel shall be the spokespersons for all plaintiffs' counsel and shall direct and coordinate the activities of plaintiffs' counsel. Co-Lead Counsel shall be the contact between the Court and plaintiffs and their counsel.

12. The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 32.

ORDERED AND ADJUDGED that Lead Plaintiff Berdeaux's Motion for Approval of Selection of Co-Lead Counsel is **GRANTED**.

DONE AND ORDERED in Chambers in New York, New York on this 23rd day of July, 2019.

SO ORDERED.



HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT COURT JUDGE